

REMARKS/ARGUMENTS

Claims 1-4, 7-11 and 14-38 are pending in this application. Claims 5, 6, 12 and 13 were previously canceled. Claims 22-37, previously withdrawn from consideration, have now been cancelled. Claims 1-3, 7-8, 14, 17-18, 20 and 38 have been amended. Applicant respectfully requests reconsideration in view of the following remarks.

I. Rejection of Claim 38 Based on 35 U.S.C. §§ 101 and 112

The Examiner has rejected claim 38 under 35 USC §101 and 112 based on the lack of recitation of process steps in the body of the claim. In response, Applicant has modified the preamble of claim 38 to properly indicate its scope and type of claim.

Thus, Applicant respectfully requests withdrawal of the §101 and §112 rejections.

II. Rejection of Claims 1-4, 8-11, 15-21 and 38 Based on 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-4, 8-11, 15-21, and 38 under 35 USC §103(a) as being unpatentable over U.S. Patent 6,263,317 (“Sharp”) in view of U.S. Patent 6,141,666 (“Tobin”).

Applicant respectfully submits that the pending claims are allowable because neither Sharp standing alone, nor in combination with Tobin teaches, suggests, or anticipates the claimed invention.

Sharp teaches an e-commerce website on a server computer 110 on which different brand name products from different manufacturers are listed for sale. A client accessing the e-commerce website through client computer 120 selects which products to purchase and provides payment and other required information to the e-commerce website. Subsequently, a computer program on the server computer allocates the selected items to various suppliers based on a distribution channel conflict resolution scheme provided by the manufacturers. The selection of the supplier is done by the server computer after the client has submitted a purchase order to the server computer. The client cannot select items from particular supplier, and there is no direct or indirect communication between the client computer and the supplier computer.

In contrast, in the embodiments of the present invention recited in independent claims 1, 8, 17 and 38, the vendor server allows a user at a client computer system to select items listed on one or more merchant computer systems via the vendor computer. A purchase request from a client computer is modified into a modified request from the vendor computer to the merchant computer. A response from the merchant computer is modified into a modified response from the vendor computer to the client computer. The vendor computer modifies web pages received from the merchant computer as to appear to be a web page of the vendor. A client selects an item from a specific merchant at the vendor's web site, and the vendor modifies the purchase request from the client to the vendor into a modified request from the vendor to the merchant. The claimed invention provides a secure buffer between the client computer and the one or more merchant

computer systems via the vendor computer system, allowing transactions to occur between the client computer and the merchant computer systems while giving the appearance to the user that the transactions are taking place between the client computer and the vendor computer system. Such a system is neither taught nor suggested by Sharp.

The claimed invention is also not taught or suggested by Tobin, either alone or in combination with Sharp. Tobin does not teach or suggest modifying requests from a client computer system to a vendor computer system into modified requests from a the vendor computer system or modifying responses from a merchant computer system to a a vendor system into modified responses from the vendor computer system to the client computer system. Nor does Tobin allow for a user at a client computer system to select and purchase, via the vendor computer system, items listed in a merchant computer system.

According to the teachings of Tobin, when a client is connected to a vendor website (e.g., "homearts.com") and the client selects a link to a second vendor/merchant's website (e.g., "pcflowers.com"), the client leaves the initial vendor's site (the referral site) and connects to the network server providing the second vendor/merchant's webpages. The network server tracks the identity of the referring vendor site and customizes the webpages of the second vendor/merchant to provide co-branding with the referring vendor or private labeling of the referring vendor. Customization is performed by the second vendor/merchant's network server at the time of webpage generation, using parameters obtained from embedded tokens within the HTML files. The customized

webpages are served directly to the client from the network server. The referring vendor system ("homearts.com") does not participate in the communication between the network server ("pcflowers.com") and the client, after the client activates the link to the network server. There is no mechanism described by which responses from the network server to the client might be modified at the referring vendor system, nor is there any way for the client to select and purchase, via the referring vendor system, items listed on the network server.

For at least the foregoing reasons, Applicant submits that Sharp and Tobin, either alone or in combination, do not teach or suggest the embodiments of the invention as set forth in independent claims 1, 8, 17 and 38; therefore, claims 1, 8, 17 and 38 are allowable over the cited art. Dependent claims 2-4, 7, 9-11, 14-16, and 18-21, being dependent upon respective allowable base claims, are also allowable for at least the foregoing reasons.

III. Rejection of Dependent Claims 7 and 14 Under 35 U.S.C. § 103(a)

Applicant respectfully submits that claims 7 and 14, being dependent upon allowable base claims, are themselves allowable for at least the foregoing reasons provided with respect to independent claims 1 and 8 above.

III. Conclusion

For at least the foregoing reasons, Applicant submits that the Examiner's rejections have been obviated, and that pending claims 1-4, 7-11, 14-21 and 38 are

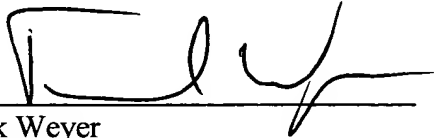
Appl. No. 09/616,714
Amdt. dated November 6, 2006
Reply to Office Action of July 05, 2006

allowable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

THE HECKER LAW GROUP

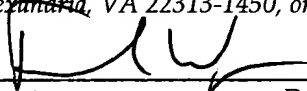
Date: November 6 2006

By: 
Frank Weyer
Reg. No. 33,050

THE HECKER LAW GROUP, PLC
1925 Century Park East
Suite 2300
Los Angeles, California 90067
(310) 286-0377 (voice)
(310) 286-0488 (fax)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail with Express Mail Label No. EL668340454US addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

 November 6, 2006
Signature: Date